United Nations
Centre for
Human Rights

unicef

Convention on the Rights of the Child

Information Kit

best copy available

United Nations Centre for Human Rights

unicef

Convention on the Rights of the Child

Introductory letter

Dear Reader,

When the Convention on the Rights of the Child was unanimously adopted by the forty-fourth United Nations General Assembly on 20 November 1989, the international community took a major step towards recognizing and ensuring the basic dignity and rights of children in all parts of the world, including their rights to survival, protection and development.

This universal treaty is based on the principle that each child has the right to benefit from provisions aimed at securing her or his well-being and development into an active and responsible member of society. When the adult world, through Governments, takes measures to implement these rights, it will not be as an act of goodwill or charity, but because of freely accepted obligations based on the recognition of the inherent dignity, and the equal and inalienable rights of all members of the human family.

During the drafting of the Convention, United Nations Secretary-General Javier Pérez de Cuéllar said:

"The way a society treats its children reflects not only its qualities of compassion and protective caring, but also its sense of justice, its commitment to the future and its urge to enhance the human condition for coming generations. This is as indisputably true of the community of nations as it is of nations individually".

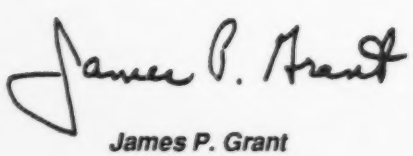
We join the Secretary-General in this opinion and we would like to add that this new treaty is an encouraging sign of humanity's ability to provide for the needs of children and future generations. Thus the Convention should also be seen as the cornerstone of a new moral ethos for children.

It is now up to Governments in all countries to take the necessary measures to ratify the Convention and implement its provisions. To encourage and support Governments, it is of crucial importance that the media, local communities, non-governmental and intergovernmental organizations, as well as individuals, take part in disseminating information on the Convention and in encouraging its ratification.

Sharing information about the Convention and the rights of the child is a collective responsibility. All have a role to play in assisting Governments in turning the words of the Convention into changed realities for children in the most systematic and effective way.

The effects of international human rights treaties are very much dependent on a widespread knowledge of their provisions and support for their implementation. We hope that you all will take part in this process, and thus contribute to improving the way children live throughout the world.

Jan Martenson
UN Under-Secretary-General
for Human Rights



James P. Grant
Executive Director
UNICEF

United Nations Centre for Human Rights

unicef

Convention on the Rights of the Child

Overview

Introduction

By adopting the Convention on the Rights of the Child, the United Nations General Assembly recognized that children have needs and human rights which extend far beyond basic concepts of protection.

After 10 years of often intricate negotiation, the nations of the world endorsed a document covering civil, economic, social, cultural and political rights for children and accepted a challenge to translate them into national action.

The Convention has been variously described as a 'Magna Carta' or 'Bill of Rights' for children. It has 54 articles detailing the individual rights of any person under 18 years of age to develop to his or her full potential, free from hunger and want, neglect, exploitation or other abuses.

What the Convention cannot do by itself, however, is to correct the serious and often deeply rooted problems affecting many millions of the world's children: Some 100 million live on the streets. More than 100 million, including at least 60 million girls, have no access to primary schooling. Approximately 155 million children under five years of age live in absolute poverty. Some 14 million will die in 1990 from a handful of common illnesses, usually combined with some degree of malnutrition.

Responsibility for their rights will ultimately hinge on the translation of agreed principles into national laws, plans of action and allocation of resources. What the Convention has done is to stake a claim for children at the top of national and international agendas, while placing the responsibility for meeting their needs in the hands of the family in the first instance, followed by Governments and society at large.

Ratification and implementation

On 26 January 1990, the Convention was signed by 61 countries — an unprecedented first-day response for any UN treaty, and one which has considerable symbolic importance. The signing of a Convention is generally perceived as a nation's willingness to give serious consideration to ratification of the document, and, as soon as 20 nations have ratified it, the Convention will enter into force as international law for those States. Ratification by individual States can take some time, however. The process usually involves the acceptance by parliaments and Governments, which must draft or modify national laws to conform with the provisions of the Convention. By ratifying a convention a nation declares itself willing to be fully bound by its provisions and answerable to the international community if it fails to comply with them.

This process of implementation now under way is of immediate and long-term importance. To be a truly global treaty the Convention needs ratification by countries from all regions. A Committee of 10 experts will monitor compliance, and members of that monitoring body will initially be drawn from those countries which have ratified within six months of the Convention taking effect.

Standards set by the Convention

The Convention sets standards which address the neglect and abuse that children face in all countries to varying degrees every day. It recognizes their special vulnerability and treats their civil, political, economic, social and cultural rights as elements of an interdependent, or mutually reinforcing, package. The Convention breaks new ground with this holistic approach, which acknowledges that although a child may be adequately nourished (a social right), the right to develop fully is not adequately protected unless the child is also educated (a social and cultural right), allowed to participate in culture and religion (a cultural right), and shielded from such things as arbitrary detention (a civil right) and exploitation at work (a social and economic right).

The Convention also recognizes the child as an individual, with needs that evolve with age and maturity. Accordingly, it goes beyond existing treaties by seeking to balance the rights of the child with the rights and duties of parents or others who have responsibilities for child survival, development and protection, by giving the child the right to participate in decisions affecting both the present and the future.

Survival, development, protection and participation

Under the Convention, survival rights include such things as adequate living standards and access to medical services. Development rights include education, access to information, play and leisure, cultural activities, and the right to freedom of thought, conscience and religion. Protection embraces all of the above, but also covers all forms of exploitation and cruelty, arbitrary separation from family, and abuses in the criminal justice system. Participation rights include the freedom to express opinions and to have a say in matters affecting one's own life, as well as the right to play an active role in society at large. The main underlying principle of the Convention is that the best interests of the child shall always be a major consideration. It states clearly that the child's own opinion shall be given due regard.

Other pressing issues, some of which are specifically addressed for the first time in an international convention, include obligations to children in special circumstances, such as the needs of refugee children (article 22); protection from sexual and other forms of child exploitation (articles 34 and 36); drug abuse (article 33); children in trouble with the law (article 40), inter-country adoptions (article 35); children in armed conflicts (articles 38 and 39); the needs of disabled children (article 23), and the children of minority and indigenous groups (article 30).

Under the Convention, children are entitled to the highest attainable health standards and access to facilities for the treatment of illness and rehabilitation. Where Governments are economically incapable of providing such services, emphasis is laid on the need for international co-operation to ensure this right (article 24).

Parents have the primary responsibility for standards of living that guarantee their children's physical, mental, spiritual, moral and social development, but States Parties to the Convention are expected to provide support programmes where necessary, particularly in the areas of nutrition, clothing and housing (article 27).

Education is the subject of two major articles (27 and 28), which were reinforced by the World Conference on Education for All in Thailand (5-9 March 1990). Primary education is to be compulsory, free to all, and should be directed to the development of a child's personality, talents and natural abilities, with due respect for cultural identity, language and values. Stress is placed on equality of educational opportunity for girls and boys.

When a child is capable of forming his or her views, those opinions are to be given due weight in accordance with the child's age and maturity, a provision which has particular significance in judicial and administrative proceedings directly affecting the child (article 12).

Parties to the Convention are expected to establish a minimum age for work as well as regulations governing hours and conditions of employment (article 32). They are also obliged to take national, bilateral and multilateral measures to protect children against all forms of sexual exploitation (article 34).

The universal approach

The drafting of the Convention carefully allowed for the different cultural, political and economic realities of individual States. In doing so, it complemented the Declaration on the Rights of the Child which maintains that "mankind owes to the child the best it has to give". This approach gives the Convention latitude to encourage assistance to nations which lack the resources to adequately care for their children, while also addressing the serious child welfare problems often found in rich countries.

In the early drafting stages of the Convention, some questioned whether it was feasible to define universal rights for children, given the diversity of nations' socio-economic, religious and cultural perceptions of childhood, and the child's role in the family and society at large. But those who drafted the Convention took the view that, although methods of upbringing, socialization and opportunity varied greatly from one country to another, concern to protect a broad range of children's rights was shared by all peoples. Experience suggested that the reactions of all communities and nations were essentially the same when children were subjected to torture, separated from their families, deprived of food or proper medical care, or maimed in armed conflicts. The Convention therefore represents a consensus that, while the means of achieving child rights may differ, and be given different priorities from one country or situation to another, there are universally accepted pre-conditions for any child's harmonious and full development.

Flexibility

The inherent strength of the new Convention is in its flexibility to accommodate the many different approaches of nations in pursuit of a common goal. It has not evaded sensitive issues, but has found means to adjust to the different cultural, religious and other values which address universal child needs in their own ways. This was a ground-breaking experience for international lawmakers, who developed the approach over a 10-year drafting period following the International Year of the Child in 1979. While setting an upper age limit for childhood at 18 years, the Convention allows for exceptions in countries where the age of majority is set lower. It does not specify how parents should bring up their children but it does stipulate that children have the right to receive care and protection from their families and the State, and it also defines the areas in which that care and protection should be provided.

In the sensitive cases of child adoption and alternative family care, a way was found to provide protection, while allowing all parties to accept the Convention as a whole. In some cases adoption has lent itself to cruel abuses, including child trafficking and slavery. Accordingly, States shall provide parentless children with suitable alternative care. The adoption process shall be carefully regulated, and international agreements shall be sought to provide safeguards and assure legal validity if and when adoptive parents intend to move a child from his or her country of birth.

A role for all in realizing the ideals of the Convention

With the adoption of the Convention, parliamentarians, educators, religious leaders, the media and non-governmental groups have turned their attention to efforts to ensure that the highest priority is given to the national planning and legislation which will apply practical force to its articles. It has provided benchmarks for achievements and a universally acceptable basis for advocacy which will be pursued by international agencies and non-governmental organizations on behalf of children everywhere.

Nations which ratify will be obliged to see that the rights contained in the Convention are widely known and to report regularly on their efforts to honour them. They will report directly to the Committee on the Rights of the Child, and international organizations such as UNICEF, ILO and UNESCO are likely to be present when the Committee considers each report. UNICEF, other UN bodies and non-governmental specialist agencies have indicated their readiness to provide technical advice and other assistance on request.

READEX FICHE

Quotable quotes

JAN MARTENSON

"The Convention on the Rights of the Child, more than any other instruments in this field, incorporates the whole spectrum of human rights — civil, political, economic, social and cultural — and provides that respect and protection of all of the children's rights are the starting point for the full development of the potential of the individual in an atmosphere of freedom, dignity and justice. It will be important to work continuously to encourage all States to accede to the Convention so that it will gain ever wider acceptance and universal applicability."

"The Convention on the Rights of the Child can only be as successful as the combined will and actions of the States Parties and other relevant groups and institutions allow it to be. But neither should we underestimate the importance of what has already been accomplished, namely, general agreement — despite all of the international community's cultural, social and economic diversity — on a very broad spectrum of children's rights whose protection is henceforth to be brought within the ambit of international law."

(Jan Martenson, UN Under-Secretary-General for Human Rights, at signing ceremony for the Convention, UN Headquarters, New York, 26 January 1990)

JAMES P. GRANT

"Transcending its detailed provisions, the Convention on the Rights of the Child embodies a fundamental principle which UNICEF believes should affect the course of political, social and economic progress in all nations over the next decade and beyond. That principle is that the lives and the normal development of children should have first call on society's concerns and capacities and that children should be able to depend upon that commitment in good times and in bad, in normal times and in times of emergency, in times of peace and in times of war, in times of prosperity and in times of recession."

(James P. Grant, UNICEF Executive Director, in *The State of the World's Children 1990*)

❛ The Convention has placed children high on national and international agendas. The international community has provided a firm foundation for a new ethic for children, an ethic that defines children as individuals with inalienable rights of no less value than those of adults.❜

(James P. Grant, UNICEF Executive Director, after signing ceremony for the Convention, UN Headquarters, New York, 26 January 1990)

JAVIER PEREZ DE CUELLAR

❛ The way a society treats children reflects not only its qualities of compassion and protective caring but also its sense of justice, its commitment to the future and its urge to enhance the human condition for coming generations. This is as indisputably true of the community of nations as it is of nations individually.❜

(Javier Pérez de Cuéllar, UN Secretary-General, in message to international meeting on the Convention on the Rights of the Child, Lignano, Italy, September 1987)

❛ With the Convention on the Rights of the Child, the United Nations has given the global community an international instrument of high quality protecting the dignity, equality and basic human rights of the world's children.❜

(Javier Pérez de Cuéllar, UN Secretary-General, in the General Assembly after adoption of the Convention, 20 November 1989)

JOSEPH N. GARBA

❛ Today, with the adoption of the Convention on the Rights of the Child, the Assembly has taken a new and decisive step along the road towards ensuring respect for the dignity and rights of the child; for the rights of the child have now gone from a declaratory statement of purpose into what will become a binding piece of international legislation. The Convention is an important achievement by the United Nations and shows the positive and constructive results which international co-operation can yield.❜

(General Joseph N. Garba, Nigerian Ambassador to the United Nations, President of the forty-fourth General Assembly, addressing the General Assembly after adoption of the Convention, 20 November 1989)

United Nations Centre for Human Rights

unicef

Convention on the Rights of the Child

Background Note No. 1

Survival and development

If present child mortality levels continue, during the 1990s some 150 million children will die before they reach their fifth birthday. Many times that number will not develop normally in mind or body because of frequent ill-health, persistent malnutrition, absence of basic community services, lack of early stimulation, illiteracy and lack of basic learning skills passed on from parent to child, and the absence of both challenge and opportunity within their lives. This deserves to be treated as one of the most important issues of the 1990s not only because of the sheer scale of the human tragedy it entails but also because of the fundamental disinvestment in development that it represents.

However, as the last years of the 1980s have demonstrated, there is a new factor calling for dramatic action at this time: The great majority of those children could now be protected at an affordable cost.

Full immunization against the main child killer diseases costs about US$10 a child; oral rehydration solutions costing less than 10 cents to administer at home can prevent death from diarrhoea; a remote community of 250 people can have safe drinking water from their own handpump for a one-time cost of less than US$2 a head. Community education in support of breastfeeding and good maternal and child feeding practices can effectively fight malnutrition and the vitamin and mineral deficiencies which cause blindness and goitre — and the cost to those who follow public health messages is almost nothing.

Millions of people on every continent are reaping the benefits of access to such services, and the knowledge of how to use them. More than 60 per cent of children in the developing world today receive three doses of vaccines for diphtheria, whooping cough, tetanus and polio before their first birthday. Coverage against measles jumped from 36 per cent in 1986 to 53 per cent in 1987, and improved delivery of polio vaccine alone is sparing about 240,000 children each year from the crippling effects of this disease. Ninety-six countries have programmes to control diarrhoeal diseases (still the main cause of infant and child death in the developing world), and knowledge of oral rehydration therapy is spreading so rapidly that it is possible that 50 per cent of all diarrhoea cases in the developing world will be treated at home with simple oral rehydration solutions this year.

UNICEF, together with WHO and other UN agencies and non-governmental organizations, has been promoting the child survival and development message for many years. The technologies are not new, although they have become cheaper. The thinking behind low-cost basic services which can be provided through decentralized community networks is not new, either. What is new is the relative ease with which all developing nations, in spite of poverty, are able to gain access to the technologies, communicate the opportunities they represent to their people, and deliver the goods.

As the results of this campaigning have taken hold, attention has also been focusing more closely on the development side of the equation. The question being asked is: "Survival for what?"

Addressing the UNICEF Executive Board meeting in 1989, Federico Mayor, Director-General of UNESCO, put it this way: "The struggle to save children's lives must go hand in hand with an effort to change the lives thus saved".

Noting that economic adjustment policies in much of the third world had influenced the stagnation of investment in health, education and other services, Mr. Mayor said it was a cruel paradox that children whose lives were being saved by the efforts of UNICEF — some 7,000 of them daily — were growing up in a world in which their prospects for self-betterment were actually diminishing. "What can we do to ensure that the very same factors of poverty and ignorance, which a few years ago would have condemned many of these children to death, do not continue to impair their physical, psychosocial and intellectual development?", he asked.

These and other challenges for child survival and development are addressed in the international Convention on the Rights of the Child, which was adopted by the forty-fourth session of the United Nations General Assembly.

The drafting of the Convention by a working group under the UN Human Rights Commission took note of the concerns of agencies like UNICEF and incorporated survival and development rights in a number of the Convention's 54 articles.

Under those articles, signatory States would be obliged to:

■ Recognize that every child has the inherent right to life, and ensure the survival and development of the child to the greatest possible extent.

■ Ensure that children have access to information that is consistent with their well-being, and that respects their cultural background.

■ Recognize the primary responsibility of both parents for the child's upbringing, and support them accordingly.

■ Recognize the right of the child to the highest attainable standard of health, and health care facilities. Special emphasis is placed on primary and preventive health care, public health education and the reduction of infant mortality. Emphasis is also placed on the State's obligation to work towards the abolition of harmful traditional practices, and the need for international co-operation in the area of health care.

■ Provide free and compulsory education to all children, at primary level at least. International co-operation is sought to achieve this goal, also.

■ Direct education towards the development of the child's personality and talents for an active adult life, fostering respect for human rights and the child's own cultural and national values.

■ Respect the rights of children of minority groups and those who are indigenous to enjoy their own culture and practise their own religion and language.

■ Recognize the right of children to leisure, play and participation in cultural and artistic activities.

Under the Convention, a child is considered to be any person under the age of 18, unless a nation's laws recognize adulthood earlier.

United Nations Centre for Human Rights

unicef

Convention on the Rights of the Child

Background Note No. 2

Name, nationality, identity

In the late 17th century, Finland pioneered a simple accounting procedure which fundamentally changed the way people could relate to child survival and children in general. Parishes throughout the country were instructed to record births and deaths, and the foundation for modern demography was established.

From that time onwards, the nation had a measurement of living standards. Maternal and child care became a national concern, and Finland came to enjoy one of the lowest child death rates and healthiest child populations in the world.

The simple act of registering births and deaths, and giving a child a name and nationality, is taken for granted in most places today. However, some developing nations still do not keep written records, and furthermore, children of indigenous or migrant populations as well as refugees and internally displaced groups are not always properly registered. Sometimes, children are even treated as possessions or commodities to be bargained with or traded. In its most extreme forms, the denial of an identity to children has led to slavery, prostitution, discrimination against ethnic minorities, and forced separation from parents.

The United Nations General Assembly unanimously adopted the international Convention on the Rights of the Child to help contain such abuses. Nations which ratify the Convention will be obliged to apply measures that would, among other things:

- Ensure that every child is registered immediately after birth and has the right to a name, a nationality, and knowledge of who his or her parents are (article 7).

- Respect the right of the child to preserve his or her identity, including nationality, name and family relations without unlawful interference. If a child is deprived of some or all of those elements of identity, signatory States will have a responsibility to provide the necessary help and protection to re-establish them. This is an entirely new obligation under international law, drafted to safeguard against the 'disappearance' of children whose family ties have been arbitrarily severed and whose identity papers have been deliberately falsified (article 8).

- Protect the right of children of ethnic, religious or linguistic minorities, or indigenous groups to belong within their own community, enjoy their own culture, profess and practise their own religion, and use their own language (article 30).

Background Note No. 3

Exploitation

By some estimates, more than 100 million children live abandoned by their families on the streets of the world's cities. Almost invariably, those street children who can work are exploited or otherwise abused — economically, physically and often sexually.

Child abuse, neglect and exploitation transcend most economic and social boundaries. Michael Jupp, the late Executive Director of Defense for Children International–USA, noted that while children could be found living under 'horrendous' conditions as bonded labourers, as slaves or as prostitutes, children had replaced old people as the poorest age group even in a highly developed society, where one out of every five children was living in poverty, and alarming numbers were reported as abused or neglected in 1986.

International concern to protect children from exploitation is reflected in six separate articles of the Convention on the Rights of the Child, which will oblige those nations which ratify it to:

- Take legislative, social, educational and other steps to protect children from all forms of physical or mental violence, neglect or maltreatment while in the care of parents, legal guardians or anyone else responsible for their well-being. This is the first time that child abuse and neglect within the family have been referred to in a legally binding international instrument.

- Protect children from employment that is likely to be hazardous to their health or to interfere with their education and development. Signatories to the Convention will be obliged to set minimum ages for employment and to regulate conditions of work. The Convention itself defines a child as any person under the age of 18, unless individual nations recognize adulthood earlier.

- Protect children from the use of narcotic and psychotropic drugs, and participation in their manufacture and distribution. This is the first specific reference in any Convention to the special risks posed to children by illegal drug trafficking and abuse.

- Safeguard children from sexual exploitation and abuse, including prostitution and involvement in pornography.

- Take action to prevent the abduction and sale of children in any form.

- Recognize the right of children to leisure, play and participation in cultural and artistic activities.

Under the Convention, States signatories are also expected to assure protection from cruelty, arbitrary separation from family, and abuses in the justice and penal systems.

Some children need special protection. These include those who are disabled, refugees, orphans and the children of minority and ethnic groups whose languages and cultures should be respected.

A further obligation of States ratifying the Convention is to ensure that child victims of armed conflicts, torture, neglect, maltreatment or exploitation also receive appropriate treatment for their recovery and social reintegration.

United Nations Centre for Human Rights

unicef

Convention on the Rights of the Child

Background Note No. 4

Education

Almost one billion men and women are illiterate today — and women more frequently than men. More than 100 million children have no hope of formal education. The world spends an average of US$20,000 to train a soldier but only US$350 to educate a child.

This perversion of social priorities was a major concern of those who drafted the Convention on the Rights of the Child and was the focus of a World Conference on Education for All, held in Jomtien, Thailand, in March 1990. The Convention states the child's right to an education and the responsibility of the State to see that the child gets it, and the Conference urged the international community to support those developing countries that are struggling against debt and structural adjustment programmes to re-establish their commitments to basic education. While the wealthier industrialized nations spend more than US$6,000 a year to keep a child in school, some of the least developed countries in Africa and South Asia spend as little as US$2 per child. Teachers in the richer nations worry about having enough computers for their classes, while their colleagues in the developing world struggle to obtain books, paper and pencils. In 37 of the world's poorest countries, per capita spending on education declined by 25 per cent in the 1980s.

Illiteracy is robbing millions of families of information vital to their basic well-being and the survival of their children. Demand for safe drinking water, sanitation services, and life-saving technologies such as immunization and oral rehydration therapy depends to a large degree on knowledge of their importance, their availability and their use.

Young girls and women are at a particular disadvantage. In 1985 the world-wide illiteracy rate for men was 21 per cent compared with 35 per cent for women. Continued discrimination against women in favour of men is seriously affecting the health and productivity of societies as a whole. Women are in the front line of efforts to reduce infant and child mortality and to raise levels of agricultural and other production in the developing world. Traditional approaches which fail to support or enhance their contributions seriously compromise national development overall. The Convention obliges States Parties to respect all children's rights without discrimination (article 2).

"Literacy of women is the most important single factor in the reduction of mortality of children", says James P. Grant, Executive Director of UNICEF. "The children of more educated mothers have a greater chance of survival and of healthy growth than those of the less educated or illiterate." Studies in a number of developing countries have shown that both fertility and maternal mortality rates decline as education standards among women rise. Accordingly, two articles of the Convention on the Rights of the Child deal exclusively with educational matters, and five others support education goals.

Article 28 states the fundamental right to education and the need to:

- Make primary education compulsory and free to all.
- Encourage the development of different forms of secondary education.
- Make educational and vocational information available and accessible to all children.

■ Take measures to encourage regular school attendance and the reduction of drop-out rates.

Article 29 describes the aims of education in terms of the necessity to:

■ Develop the child's personality, talents and mental and physical abilities to their fullest potential.

■ Prepare the child for a responsible life in a free society.

■ Develop respect for the child's parents, his or her cultural identity, language and values, as well as for the culture and values of others.

Elsewhere in the Convention are provisions on the rights of children to: receive information supportive of education goals (article 17); have child care and other services while parents work (article 18); have rest and leisure and freedom to participate in cultural and artistic activities (article 31). Under article 42 States Parties to the Convention are also obliged to make its provisions widely known to children as well as to adults so that both are aware of their entitlements under international law.

United Nations Centre for Human Rights

unicef

Convention on the Rights of the Child

Background Note No. 5

Adoption

Although most nations regard adoption and similar arrangements as one of the last resorts for children without parents, it does offer many infants and young children hope of a new and caring environment in which to grow. Adoption is generally preferable to institutional care, and nations usually have well-established laws and procedures for the placement of orphaned or abandoned children in suitable homes.

However, in the absence of strong administrative screening and legal supervision, intermediaries in a number of developing countries have found that large profits can be made by arranging the transfer of children from poverty-stricken environments to people of means. While many of these arrangements are legally managed in the best interests of the child, others are crude and exploitative transactions under the guise of adoption, and result in servitude and other abuses. Increasingly, these arrangements involve the transfer of children from one country to another, making it virtually impossible for authorities in the home country to monitor the child's progress or to exercise any means of protection against exploitation and abuse.

The international Convention on the Rights of the Child aims to close the avenues to abuses of the adoption process. The Convention will oblige signatory States to take firm control of adoption authorizations, place strict conditions on child transfers between countries, and ensure that those involved do not make improper financial gains.

National and international safeguards for children are contained in two key Convention articles (20 and 21) and are illustrative of the international community's resolve to protect the best interests of the child in all national, ethnic and cultural settings.

At the outset of negotiations to frame a truly international 'Bill of Rights' for children, it was well understood by all that the strength of any internationally binding instrument would come from the determination of all UN Member States to ensure that its provisions were honoured. Few, if any, nations came through the drafting process without exercising some flexibility, and a remarkable feature of the Convention is that it captured an international consensus without weakening standards of protection or becoming a toothless tiger.

The adoption provisions were a classic example of that commitment and flexibility to arrive at a common goal. Most nations support adoption, although in many societies the responsibility of finding alternative family care for a child is placed on the extended family or the community.

Accordingly, under article 20, nations which ratify the Convention will be obliged to provide special protection to children who are deprived of their family environment and to ensure that appropriate alternative family care or institutional placement is made available to them. Such care would take the child's cultural background into account and could include various forms of foster care. Article 20 also provides that, in considering solutions, "due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background".

Article 21 adds weight to this preference for solutions which can be found within the child's country of origin, but also recognizes that inter-country adoption might be an alternative if suitable foster care, or an adoptive family, cannot be found in the home country.

In all cases of adoption, signatories to the Convention will be obliged to ensure that authorization is given by competent authorities and is based on reliable information about the child and his or her circumstances. Inter-country adoption is to be considered only when all possible means of giving the child suitable care in his or her own social and national context have been exhausted.

United Nations Centre for Human Rights

unicef

Convention on the Rights of the Child

Background Note No. 6

Girls and boys on equal terms

Discrimination against women begins in childhood, when social and cultural attitudes conspire to apportion the girl child less than what the family and the nation would offer her brother. It is the male child who usually gets the lion's share of available resources: of food and maternal attention, of health care and education. And, as the male progresses from infancy to adulthood, those advantages multiply in terms of access to paid employment and decision-making roles. This deeply entrenched preference for males in many societies encourages neglect and exploitation of the girl child and ultimately lowers the status of women. Stereotyped and robbed of her self-esteem, the girl child very often faces a life of servitude and eventually becomes a role model for her own children.

Poverty compounds the problem. In rich and poor countries alike, the vast majority of the poor are women and children. And in many families stricken by poverty the woman is the only bread-winner.

In wealthy nations, the prejudices against women are reflected in education systems that reinforce stereotypes and tend to deflect young girls from studies and work traditionally favoured by men. When women do succeed they are frequently rewarded with jobs that pay them less for doing the same work as men and offer them fewer openings to positions of power.

In the developing world, the inequalities are commonly revealed in higher levels of malnutrition and infant and child mortality among girls than among boys; in unequal access both to education and to technologies which could ease women's work-loads and improve their productivity; in unfair divisions of labour; and in poor representation at policy levels which could bring about improvements in the overall status of women.

By limiting women's opportunities many nations have effectively disenfranchised half their population and placed severe constraints on national development for the present and future. No nation can afford to squander half its human resources.

As mothers, women are responsible for the care and protection of their children, as well as the attitudes and capacities they develop. The status of women in any society leaves an indelible imprint on future generations. Studies in the developing world have shown that the health and survival of infants and young children rise in direct relation to the education of the mother. However, fewer than 40 per cent of women in most of Asia and Africa can read and write, and illiteracy rates among women range as high as 97 per cent in some countries. Statistics provided by UNESCO show that more than 70 million children aged between 6 and 11 years in the developing world were not in school in 1985, and that 60 per cent of those children deprived of an education were girls.

Continued biases in favour of the male child have made untold millions of young girls and women virtually invisible within their homes and communities. Although they perform all household work and child-raising and are responsible for much of the agricultural labour in the developing world, they are not paid for their efforts and their contributions go unrecorded.

The Convention on the Rights of the Child (article 2) applies the principle that all rights to survival, protection and development apply equally to every child regardless of sex. States which ratify the

Convention are obliged to make all 54 of its articles known, to reflect them in national legislation to the extent necessary and to uphold them.

In Asia, where biases against women are deeply entrenched in many cultures, the plight of the girl child has been a focus of national and regional concerns since 1985, when social scientists, activist groups and public officials started to address the issue in seminars and workshops. They challenged politicians to deal with the gender gap, and in 1989 leaders attending the summit meeting of the South Asian Association for Regional Co-operation (SAARC) decided to observe 1990 as the 'Year of the Girl Child'. This event, which may be extended into a 'Decade of the Girl Child', has placed the spotlight where it belongs — on the girl child as a person, not just as a daughter, sister, future wife and mother, or someone's property.

It is hoped that other regions will take the Convention as their lead and follow up with similar initiatives.

United Nations Centre for Human Rights

unicef

Convention on the Rights of the Child

Background Note No. 7

Participation

Participation is normally understood as an active and conscious endeavour. By denying a child the opportunity to participate, decision makers could miss crucial information and insight. Nevertheless, the idea of a child with prescribed rights of his or her own, and freedom to voice opinions, may make some uneasy, and certainly introduces a new element to be taken into account.

Nations are now being asked to look beyond some of their traditional concepts of childhood, to consider the needs of children in a changing world, the evolving needs of children as they mature, and the responsibilities of parents and the State for their well-being.

In November last year the United Nations General Assembly adopted a historic Convention on the Rights of the Child, which covers all young people up to the age of 18 years. Nations which agree to ratify the document and its 54 articles will effectively endorse their children's right to:

- Express opinions and to have those opinions considered in matters which affect their well-being.

- Exercise freedom of thought, conscience and religion, subject to appropriate parental guidance.

- Meet with others and to join or form associations.

- Have access to, and share, information from a diversity of national and international sources — especially sources aimed at promoting their moral well-being and physical and mental health. The Convention expressly commits signatories to make its provisions widely known to children, in language which they, as well as adults, can understand.

While offering children greater tolerance and participation in the world at large, the Convention aspires to a development that few parents would want to deny them. By asking nations to provide their children with information, education and choices, it is also offering the possibility of alternatives to the poverty, ignorance, exploitation, war and other conflict which is visited daily on many millions of children. If hope for a better, more equitable and peaceful world hinges on the attitudes of policy makers, it is the attitude of tomorrow's politicians — today's children — which will make the difference.

In setting standards by which nations will have to treat their children more as people than possessions, the Convention offers Governments an opportunity to break patterns which for centuries have taken successive generations on every continent down all too familiar paths of deprivation, neglect and violence. As the Convention expresses it: The child should be fully prepared to live an individual life in society and be brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, 'of peace, dignity, tolerance, freedom, equality and solidarity'.

Implementation

With the adoption of the Convention on the Rights of the Child the international community has gained a major policy instrument to improve the situation of children everywhere. The 54 articles of the Convention set standards that address the neglect and abuse which children face in most countries to varying degrees every day. The Convention recognizes their vulnerability and speaks to their civil, political, economic, social and cultural rights as elements of an interdependent, or mutually reinforcing, set of provisions. It was adopted unanimously by the United Nations General Assembly and will be an important yardstick for the protection and treatment of children in rich and poor nations alike.

The Convention itself, however, cannot work miracles. Its existence is known to relatively few of the world's five billion people and it can only be as effective as the commitments of those who have spoken in its favour. An enormous amount of work to publicize the rights of children and persuade policy makers to incorporate them into national laws remains to be done.

Around 80 of the 159 countries which supported the Convention in the General Assembly have so far signed the document. Their signatures do not bind them to its provisions but they are generally taken as a sign of their intention to give serious consideration to accepting the Convention as law. It is hoped that all nations will eventually sign and that the signatories will then prepare for ratification, which is binding.

By ratifying or acceding to the Convention, States declare themselves Parties to the Convention and thus indicate their willingness to be bound by its provisions. The Convention will enter into force as international law as soon as 20 nations have ratified it, and a Monitoring Committee will then be elected to watch over the implementation of its provisions. The Committee will be comprised of 10 independent experts chosen from individuals nominated by States Parties to the Convention.

Ratification is not normally an overnight process. Nations intending to be formally bound by the document will need time to review their laws and ensure that they can implement the provisions of the Convention's 54 articles. This could involve the modification of existing legislation or the writing of new laws. This, in turn, will need the approval of parliaments and Governments.

In the meantime, much of the promotional work for the Convention will fall to UN bodies and specialized agencies such as UNICEF, a host of non-governmental organizations (NGOs), parliamentary groups and the media.

In some countries, that process of advocacy for child rights is already well under way, having started during the drafting stages of the Convention as nations were beginning to grapple with the idea of children as independent human beings with their own special rights. The drafting process, extending over a period of 10 years, conceptualized and developed those rights, and did much to change the attitudes of the policy makers who were drawn into the negotiations. The issue of children's rights was placed on government agendas, and the discussions which followed helped to change the world's thinking about children's entitlements. A number of international NGOs joined the drafting process, and on the basis of their direct field experience working for children, they provided a vital human link in the preparation of an intricate legal document.

With the adoption of the Convention, NGOs are on even stronger ground to pursue children's rights, and with the backing of Church and other groups they have started to press politicians to give legislative weight to the sentiments expressed in their General Assembly votes. Adoption of the Convention has also given the UN agencies a higher platform from which to pursue their specialized programmes for children.

Efforts will be made to translate the Convention into language that is easily understood both by children and the adult public, and to develop channels through which children's needs and voices can be heard. There is nothing quite like a well-informed and vocal constituency to move politicians.

Now that they have their 'Bill of Rights', children will need people with the competence and power to speak on their behalf. Champions should not be difficult to find. Parliamentary groups have indicated their willingness to play a vocal role through members who are in government or in opposition, and Costa Rica, Norway and Sweden have broken important ground by appointing ombudsmen who can interact directly with government administrations on behalf of children.

Soon after his appointment as Costa Rica's ombudsman for children, Prof. Mario Viquez said that it was important to remember that well-intended administrative actions were not always well matched with children's needs: "The bureaucratization, lack of co-ordination and the duplication of functions, but above all the dehumanization of the administration, is a factor that is always present in the various forms of the modern State. It is here where, somehow, the figure of a child advocate appears necessary".

The media also have a major role to play in the integration of the Convention into public policy and long-term planning. The interest of print media in the Convention had a significant influence both on public opinion and on the responses of government leaders prior to its adoption, and radio and television can be expected to carry news of the Convention's adoption even farther afield. But in celebrating the passage of the Convention through the General Assembly it is important to recognize that the task of translating the intentions of the document into concrete actions is only just beginning.

STOP PRESS

Entry into force of the Convention

On 2 September 1990 the Convention on the Rights of the Child entered into force after it was ratified by the necessary 20 States. This is only nine months after it was adopted by the UN General Assembly, and is by far the speediest entry into force of any international human rights treaty. As States ratify it, it becomes binding law for their countries.

In a message on this occasion Javier Pérez de Cuéllar, Secretary-General of the United Nations, said:

> 'The entry into force of the Convention presents a significant challenge to the United Nations: that of helping States to implement it. The Committee on the Rights of the Child, to be set up under the Convention, will be the main focal point for international efforts to translate the rights of the child into national law and practice. This Committee of 10 experts will, in co-operation with the States Parties and with the assistance of specialized agencies and organizations such as UNICEF and competent non-governmental organizations, seek to identify problems preventing the child's full enjoyment of his or her rights, point out possible solutions and encourage the mobilization of resources to respond to those needs. The Convention is already having an effect in several countries, which have carried out revisions of their laws in accordance with its provisions, thus affecting many millions of children.'

THE CONVENTION ON THE RIGHTS OF THE CHILD

Adopted by the General Assembly of the United Nations on 20 November 1989

Text

PREAMBLE

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the United Nations on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Unofficial summary of main provisions

PREAMBLE

The preamble recalls the basic principles of the United Nations and specific provisions of certain relevant human rights treaties and proclamations. It reaffirms the fact that children, because of their vulnerability, need special care and protection, and it places special emphasis on the primary caring and protective responsibility of the family. It also reaffirms the need for legal and other protection of the child before and after birth, the importance of respect for the cultural values of the child's community, and the vital role of international cooperation in securing children's rights.

Text

Unofficial summary of main provisions

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Definition of a child

A child is recognized as a person under 18, unless national laws recognize the age of majority earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Non-discrimination

All rights apply to all children without exception. It is the State's obligation to protect children from any form of discrimination and to take positive action to promote their rights.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Best interests of the child

All actions concerning the child shall take full account of his or her best interests. The State shall provide the child with adequate care when parents, or others charged with that responsibility, fail to do so.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Implementation of rights

The State must do all it can to implement the rights contained in the Convention.

Text

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Unofficial summary of main provisions

Parental guidance and the child's evolving capacities

The State must respect the rights and responsibilities of parents and the extended family to provide guidance for the child which is appropriate to her or his evolving capacities.

Survival and development

Every child has the inherent right to life, and the State has an obligation to ensure the child's survival and development.

Name and nationality

The child has the right to a name at birth. The child also has the right to acquire a nationality and, as far as possible, to know his or her parents and be cared for by them.

Preservation of identity

The State has an obligation to protect, and if necessary, re-establish basic aspects of the child's identity. This includes name, nationality and family ties.

Separation from parents

The child has a right to live with his or her parents unless this is deemed to be incompatible with the child's best interests. The child also has the right to maintain contact with both parents if separated from one or both.

Text

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order *(ordre public)*, public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order *(ordre public)*, or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

Unofficial summary of main provisions

Family reunification

Children and their parents have the right to leave any country and to enter their own for purposes of reunion or the maintenance of the child-parent relationship.

Illicit transfer and non-return

The State has an obligation to prevent and remedy the kidnapping or retention of children abroad by a parent or third party.

The child's opinion

The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child.

Freedom of expression

The child has the right to express his or her views, obtain information, make ideas or information known, regardless of frontiers.

Freedom of thought, conscience and religion

The State shall respect the child's right to freedom of thought, conscience and religion, subject to appropriate parental guidance.

Text

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order *(ordre public)*, the protection of public health or morals or the protection of the rights and freedoms of others.

Article16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Unofficial summary of main provisions

Freedom of association

Children have a right to meet with others, and to join or form associations.

Protection of privacy

Children have the right to protection from interference with privacy, family, home and correspondence, and from libel or slander.

Access to appropriate information

The State shall ensure the accessibility to children of information and material from a diversity of sources, and it shall encourage the mass media to disseminate information which is of social and cultural benefit to the child, and take steps to protect him or her from harmful materials.

Parental responsibilities

Parents have joint primary responsibility for raising the child, and the State shall support them in this. The State shall provide appropriate assistance to parents in child-raising.

Text

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, *inter alia,* foster placement, *Kafala* of Islamic law, adoption, or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Unofficial summary of main provisions

Protection from abuse and neglect

The State shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child and establish appropriate social programmes for the prevention of abuse and the treatment of victims.

Protection of a child without family

The State is obliged to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available in such cases. Efforts to meet this obligation shall pay due regard to the child's cultural background.

Adoption

In countries where adoption is recognized and/or allowed, it shall only be carried out in the best interests of the child, and then only with the authorization of competent authorities, and safeguards for the child.

Text

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

Unofficial summary of main provisions

Refugee children

Special protection shall be granted to a refugee child or to a child seeking refugee status. It is the State's obligation to co-operate with competent organizations which provide such protection and assistance.

Disabled children

A disabled child has the right to special care, education and training to help him or her enjoy a full and decent life in dignity and achieve the greatest degree of self-reliance and social integration possible.

Health and health services

The child has a right to the highest standard of health and medical care attainable. States shall place special emphasis on the provision of primary and preventive health care, public health education and the reduction of infant mortality. They shall encourage international co-operation in this regard and

Text

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition including within the framework of primary health care, through *inter alia* the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Unofficial summary of main provisions

Health and health services (continued)

strive to see that no child is deprived of access to effective health services.

Periodic review of placement

A child who is placed by the State for reasons of care, protection or treatment is entitled to have that placement evaluated regularly.

Social security

The child has the right to benefit from social security including social insurance.

Standard of living

Every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. Parents have the primary responsibility to ensure that the child has an adequate standard of living. The State's duty is to ensure that this responsibility can be fulfilled, and is. State responsibility can include material assistance to parents and their children.

THE CONVENTION ON THE RIGHTS OF THE CHILD

Text

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Unofficial summary of main provisions

Education

The child has a right to education, and the State's duty is to ensure that primary education is free and compulsory, to encourage different forms of secondary education accessible to every child and to make higher education available to all on the basis of capacity. School discipline shall be consistent with the child's rights and dignity. The State shall engage in international co-operation to implement this right.

Aims of education

Education shall aim at developing the child's personality, talents and mental and physical abilities to the fullest extent. Education shall prepare the child for an active adult life in a free society and foster respect for the child's parents, his or her own cultural identity, language and values, and for the cultural background and values of others.

Children of minorities or indigenous populations

Children of minority communities and indigenous populations have the right to enjoy their own culture and to practise their own religion and language.

Text

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admissions to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Unofficial summary of main provisions

Leisure, recreation and cultural activities

The child has the right to leisure, play and participation in cultural and artistic activities.

Child labour

The child has the right to be protected from work that threatens his or her health, education or development. The State shall set minimum ages for employment and regulate working conditions.

Drug abuse

Children have the right to protection from the use of narcotic and psychotropic drugs, and from being involved in their production or distribution.

Sexual exploitation

The State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.

Sale, trafficking and abduction

It is the State's obligation to make every effort to prevent the sale, trafficking and abduction of children.

Other forms of exploitation

The child has the right to protection from all forms of exploitation prejudicial to any aspects of the child's welfare not covered in articles 32, 33, 34 and 35.

THE CONVENTION ON THE RIGHTS OF THE CHILD

Text

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

Unofficial summary of main provisions

Torture and deprivation of liberty

No child shall be subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation of liberty. Both capital punishment and life imprisonment without the possibility of release are prohibited for offences committed by persons below 18 years. Any child deprived of liberty shall be separated from adults unless it is considered in the child's best interests not to do so. A child who is detained shall have legal and other assistance as well as contact with the family.

Armed conflicts

States Parties shall take all feasible measures to ensure that children under 15 years of age have no direct part in hostilities. No child below 15 shall be recruited into the armed forces. States shall also ensure the protection and care of children who are affected by armed conflict as described in relevant international law.

Rehabilitative care

The State has an obligation to ensure that child victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social reintegration.

Administration of juvenile justice

A child in conflict with the law has the right to treatment which promotes the child's sense of dignity and worth, takes the child's age into account and aims at his or her reintegration into society. The child is entitled to basic guarantees as well as legal or other assistance for his

Text

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State Party; or

(b) International law in force for that State.

Unofficial summary of main provisions

Administration of juvenile justice (continued)

or her defence. Judicial proceedings and institutional placements shall be avoided wherever possible.

Respect for higher standards

Wherever standards set in applicable national and international law relevant to the rights of the child that are higher than those in this Convention, the higher standard shall always apply.

THE CONVENTION ON THE RIGHTS OF THE CHILD

Text

Unofficial summary of main provisions

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

Implementation and entry into force

The provisions of articles 42 - 54 notably foresee:

(i) *the State's obligation to make the rights contained in this Convention widely known to both adults and children.*

(ii) *the setting up of a Committee on the Rights of the child composed of ten experts, which will consider reports that States Parties to the Convention are to submit two years after ratification and every five years thereafter. The Convention enters into force—and the Committee would therefore be set up—once 20 countries have ratified it.*

(iii) *States Parties are to make their reports widely available to the general public.*

(iv) *The Committee may propose that special studies be undertaken on specific issues relating to the rights of the child, and may make its evaluations known to each State Party concerned as well as to the UN General Assembly.*

(v) *In order to "foster the effective implementation of the Convention and to encourage international cooperation", the specialized agencies of the UN (such as the ILO, WHO, and UNESCO) and UNICEF would be able to attend the meetings of the Committee. Together with any other body recognized as "competent", including NGOs in consultative status with the UN and UN organs such as the UNHCR, they can submit pertinent information to the Committee and be asked to advise on the optimal implementation of the Convention.*

Text

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned,

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not in its subsequent reports submitted in accordance with paragraph 1 *(b)* of the present article repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the

Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Text

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Centre for Human Rights
United Nations Office at Geneva
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

New York Office
Centre for Human Rights
United Nations
New York, NY 10017, USA

UNITED NATIONS CHILDREN'S FUND
Unicef House,
Three United Nations Plaza
New York, NY 10017
USA

UNICEF Geneva Office
Palais des Nations
1211 Geneva 10
Switzerland